From: MacPherson, Keith
To: Vizard, Joseph
Subject: FW: Councilor Paz Information Request
Date: Monday, September 14, 2020 2:19:39 PM
Attachments: 2016-2020 UOF.xlsx
IA Synopsis.docx
Citation Stats by Race.docx
CBA-PATROL (003).pdf
CBA-SUPERIOR (003).pdf
Waltham Police Department Demographics 090120.docx
Dk and Psych Calls.msg.docx

Clerk Vizard,

Below is BLM 1 request from Councillor Paz and the Police Department response:

To have the Waltham Police Department provide a written report with the advisement of the Mayor's Office and provide demographic and pertinent data (as related to parties involved in police department and civil society) in the past 5 years to the following:

1. Use of Force, Including Shootings by Officers – see UOF attachment

2. Complaints Against Officers – see IA Synopsis

3. Police Force Demographics – see Waltham Police Department Demographics

4. "Stop and Frisk" interactions – unable to determine in our CAD system

5. Traffic Stops – See Citation Stats by Race attachment

6. Copy of Departments Policy Handbook (including rules on the use of force) – Due to the size of the file this will be sent in 3 separate emails

7. Copy of Police Union Contract – See CBA-PATROL and CBA-SUPERIOR

8. Prosecutorial and Review Board Decisions – Unable to determine what this is – there are no known Prosecutorial and Review Board Decisions in our system

*9. Internal Disciplinary Records – see below

10. Number of Incidents Involving Homeless, Drunkenness, Substance Abuse and Mental Illness – Unable to provide info on Homeless and Substance Abuse from our CAD system – see Dk and Psych call attachment for calls involving Drunks and calls involving Mental Illness.

*Disciplinary actions have been determined to be part of an officer's *personnel record* and as such, are exempted from the Public Records Law. Massachusetts General Law Chapter 4 § 7 (26)(c): Exemption (c) is made up of two separate clauses, the first of which exempts *personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy.*

According to the Guide to the Massachusetts Public Records Law, updated in March of 2020:

"Generally, the first clause applies to core categories of personnel information that are 'useful in making employment decisions regarding an employee. For example, employment applications, employee work evaluations, ***disciplinary documentation,*** and promotion, demotion, or termination information pertaining to a particular employee, maybe withheld pursuant to the first clause of Exemption (c), citing *Wakefield Teacher's Ass'n v. School Comm. of Wakefield*, 431 Mass. 792, 798 (2000).